

Adams, Hope

From: Wessinger-Hill, JoAnne
Sent: Friday, July 30, 2021 10:54 AM
To: Hall, Roger; Grube-Lybarker, Carri; John J. Pringle, Jr.; Heather Smith; Heather Smith; Pittman, Jenny; fellerbe@robinsongray.com; fellerbe@robinsongray.com; Nelson, Jeff; DeMarco, Tracy S.; Breitschwerdt, E. Brett; jennamcgrath@paulhastings.com; billdegrandis@paulhastings.com
Cc: PSC_Contact; Besley, Sharon
Subject: RE: Hearing Exhibit ? -- Judicial Notice? (Cross Examination Exhibit No. 2 Bowman) -- DN 2020-263-E
Attachments: Cherokee Cross-Bowman-003 - 18 CFR 292.304.PDF

Parties:

Attached is a copy of the Cross Examination Exhibit regarding the Witness on the stand.

Jo Anne

C. Jo Anne Wessinger Hill, Esq.
General Counsel to the Commission
Public Service Commission

State of South Carolina
 101 Executive Center Drive, Suite 100
 Columbia, SC 29210

www.psc.sc.gov

Email: JoAnne.Hill@psc.sc.gov

803-896-5100 (main) | 803-896-5188 (f) | JoAnne.Hill@psc.sc.gov

The information contained in this e-mail message is public and will be filed in the Docketing Management System (DMS) for the corresponding docketed matter. Any responsive e-mail message by you should also be filed by you in the DMS for this matter. **If the reader of this message does not want certain information, which is meant to be discussed only between the parties and not Public Service Commission of South Carolina (Commission) staff, please do not use "reply all" to this message. Any e-mail message involving the Commission or Commission staff is also subject to the provisions of Commission Order No. 2019-748 in Docket No. 2019-329-A; shall be published in the docket for this matter; and should also be copied to all parties of record in the docket.** If you have received this communication in error, please immediately notify us by telephone at (803) 896-5100.

18 CFR 292.304

This document is current through the July 19, 2021 issue of the Federal Register, with the exception of the amendments appearing at 86 FR 37676, 86 FR 37901, and 86 FR 37918.

Code of Federal Regulations > Title 18 Conservation of Power and Water Resources > Chapter I — Federal Energy Regulatory Commission, Department of Energy > Subchapter K — Regulations Under the Public Utility Regulatory Policies Act of 1978 > Part 292 — Regulations Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 with Regard to Small Power Production and Cogeneration > Subpart C — Arrangements Between Electric Utilities and Qualifying Cogeneration and Small Power Production Facilities Under Section 210 of the Public Utility Regulatory Policies Act of 1978

§ 292.304 Rates for purchases.

(a) Rates for purchases.

(1) Rates for purchases shall:

- (i) Be just and reasonable to the electric consumer of the electric utility and in the public interest; and**
- (ii) Not discriminate against qualifying cogeneration and small power production facilities.**

(2) Nothing in this subpart requires any electric utility to pay more than the avoided costs for purchases.

(b) Relationship to avoided costs.

(1) For purposes of this paragraph, "new capacity" means any purchase from capacity of a qualifying facility, construction of which was commenced on or after November 9, 1978.

(2) Subject to paragraph (b)(3) of this section, a rate for purchases satisfies the requirements of paragraph (a) of this section if the rate equals the avoided costs determined after consideration of the factors set forth in paragraph (e) of this section

(3) A rate for purchases (other than from new capacity) may be less than the avoided cost if the State regulatory authority (with respect to any electric utility over which it has ratemaking authority) or the nonregulated electric utility determines that a lower rate is consistent with paragraph (a) of this section, and is sufficient to encourage cogeneration and small power production.

(4) Rates for purchases from new capacity shall be in accordance with paragraph (b)(2) of this section, regardless of whether the electric utility making such purchases is simultaneously making sales to the qualifying facility.

(5) In the case in which the rates for purchases are based upon estimates of avoided costs over the specific term of the contract or other legally enforceable obligation, the rates for such purchases do not violate this subpart if the rates for such purchases differ from avoided costs at the time of delivery.

(6) Locational Marginal Price. There is a rebuttable presumption that a state regulatory authority or nonregulated electric utility may use a Locational Marginal Price as a rate for as-available qualifying facility energy sales to electric utilities located in a market defined in § 292.309(e), (f), or (g).

(7) Competitive Price. A state regulatory authority or nonregulated electric utility may use a Competitive Price as a rate for as-available qualifying facility energy sales to electric utilities located outside a market defined in § 292.309(e), (f), or (g). A Competitive Price may be either a Market Hub Price or a Combined Cycle Price, determined as follows: